

# Lake Okeechobee Service Area Water Availability Rule Development Update

*Governing Board Meeting  
May 15, 2008  
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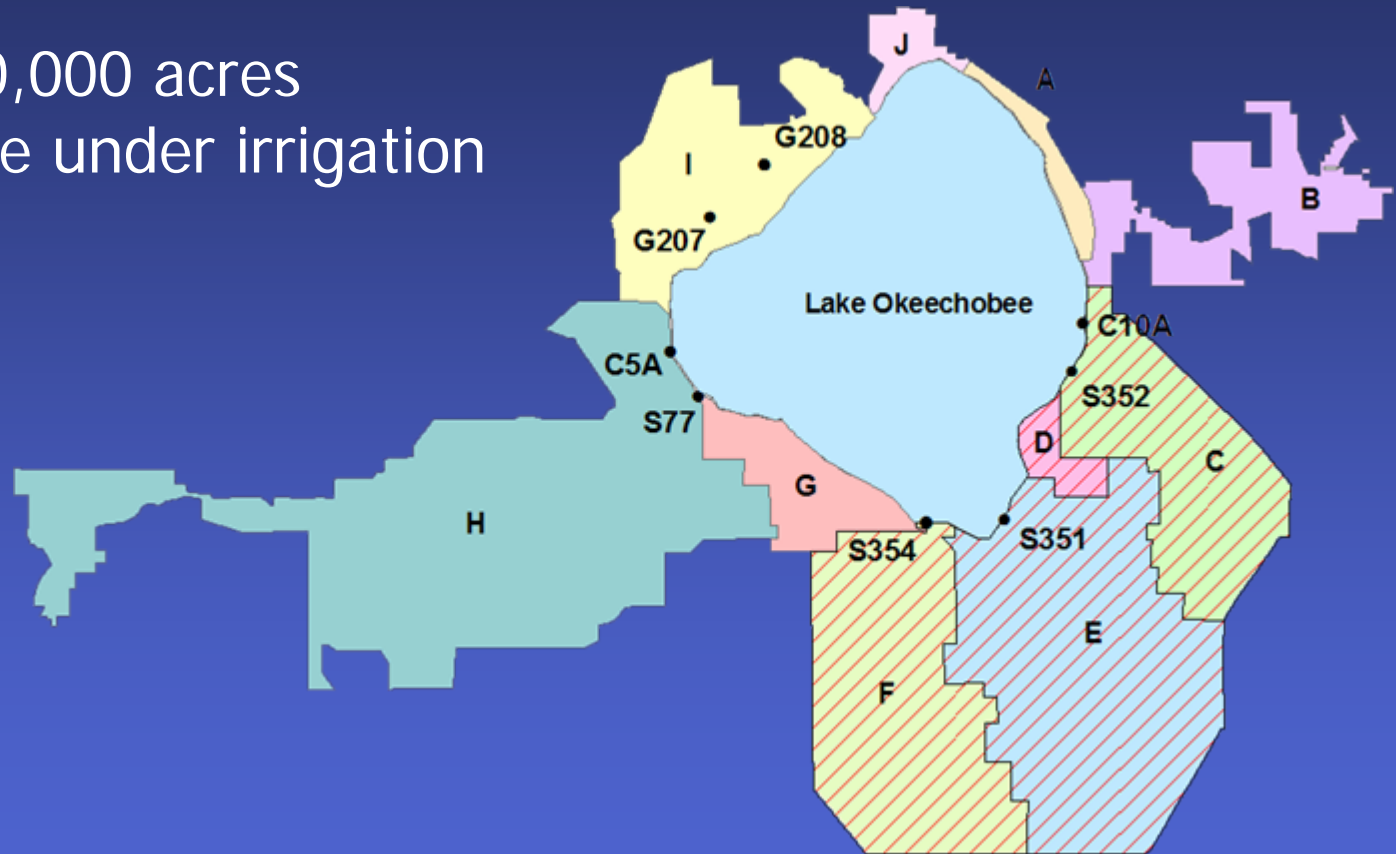
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# **Overview of Lake Okeechobee Water Availability**

- New Lake regulation schedule increases chance of:
  - Water shortage restrictions
    - Most risk of anywhere in District
  - Lake minimum flow & level violations
- Lake Service Area irrigation permits up for renewal in October
  - New schedule combined with existing permit rules would cause competition for water between existing users
- Permit & MFL rules need to be revised until the Lake water supply capacity is returned

# Lake Okeechobee Service Area Boundaries

- Approx. 700,000 acres of agriculture under irrigation



# Goals of the Rule Development

Develop consumptive use regulatory criteria for Lake Okeechobee surface waters:

- Consistent with revised Lake regulation schedule
- Consistent with agency objectives for protection & enhancement of natural systems
- Provides criteria for renewal of existing irrigation projects
- Limits the expansion of water uses that are inconsistent with the variations of Lake quantity and quality (e.g. drinking water supply)

# Products

**Draft rule language for Governing Board consideration addressing:**

- **Water use permit criteria for allocation of Lake surface water**
- **Revise the Lake minimum flow & level rule to replace existing prevention strategy with a recovery strategy**
- **Revise Lower East Coast Regional Water Supply Plan Appendix H to include the new Lake recovery strategy**

# Process/Schedule

- Rule language and MFL recovery plan drafted
  - Section 3.2.1. of the Basis of Review
  - 40E-8 (F.A.C.) Minimum Flows and Levels
  - Appendix H LECRWSP 2005 (revised)
- Four public rule development workshops conducted
- Status reports: March WRAC & Governing Board
- Continued outreach to stakeholders
- Seek Governing Board authorization to publish rule at June meeting
- Rule becomes effective in time for permit renewals

# Outstanding Policy Issues for Discussion

## ■ Base Condition Water Use

- Effect of Rule: Applicants must show their use will not cause a net increase in water withdrawn from the Lake over the “base condition”
  - Defined term for each use class
- Issue: Whether or not to include existing but unpermitted uses in the “base condition”
- Existing Rule Draft: unpermitted uses not included in base condition

# Outstanding Policy Issues for Discussion, cont.

## ■ Base Condition Water Use, cont.

### ■ Considerations:

- If not included, then unpermitted uses can only become permitted if alternative source or terminated withdrawal of another is used

- Alternative supply sources infeasible

### ■ Proposal: No change to rule draft

- Allow 'grace' period applications, before rule becomes effective
- Outreach effort



# Outstanding Policy Issues for Discussion, cont.

- Reallocation of retired / terminated permits
  - Effect of Rule: Possible to get an allocation above a project's base condition, if using water from a project retired / terminated after 1/1/08
  - Issue: Whether or not rule should allow for reallocation of terminated uses or let water remain unallocated in Lake
  - Existing Rule Draft: Allow reallocation of uses in place on 1/1/08 & retired after 1/1/08

# Outstanding Policy Issues for Discussion, cont.

## ■ Considerations:

- Lake Okeechobee's minimum flow & level is projected to be violated, ecological concerns
  - New Lake regulation schedule
- Irrigation users do not have viable alternative water sources
- Reduction of consumptive uses would have small impact on Lake levels during dry periods
  - Other tools available - Water shortage restrictions
- Board has 'case by case' authority to review such applications

# Discussion